

U.S. Patent Application Serial No. 10/660,083
Amendment and Response dated May 8, 2007
Reply to Office Action of February 5, 2007

REMARKS

This paper is filed in response to the Office Action mailed February 5, 2007. Claims 1-40, 42-46 and 48 were pending in the Present Application. Claims 12-16, 23, 26, 33-34, 36-38 and 45 remain withdrawn from consideration. Claims 1-11, 17-22, 27-32, 35, 40, 42-44, 46 and 48 stand rejected. Claims 24, 25 and 39 are also objected to. Amendments have been made to independent claims 43 and 48 and dependent claims 44-45. New claims 49-54 have been added. No new matter has been added. Reconsideration is respectfully requested.

Claim rejections—Double Patenting

A terminal disclaimer is filed herewith regarding U.S. Patent No. 7,004,927, U.S. Patent No. 6,984,213, U.S. Patent No. 6,796,962 and U.S. Patent No. 6,902,546.

Claim rejections—35 U.S.C. § 102(b)

Independent claims 43 and 48 were rejected under 35 U.S.C. 35 § 102(b) as allegedly being anticipated by U.S. Patent No. 5,328,482 to Sircom *et al.* (hereinafter "Sircom"). As indicated above, independent claims 43 and 48 have been amended. As detailed below, these claims have been amended to distinguish the claimed inventions from the configuration in Sircom *et al.* which is detailed at column 23, lines 9-44 with

reference to Figures 40-42 regarding the chuck or base 119 of catheter 118 being frictionally retained in shell 113.

Claim 48 has been amended to recite that the binding member further comprises a hub retainer configured to releasably engage a catheter hub. Claim 48 also recites a shield. As best seen in FIG. 40 of Sircom et al., catheter 118 has a chuck or base 119 which is frictionally engaged by guard device 5 and not by lever or pivot arm 101. In contrast, claim 48 recites that the binding member further comprises "a hub retainer configured to releasably engage a catheter hub."

Claim 43 has been amended to recite "means for binding the shield to the needle in the extended position . . . and for permitting engagement with the needle to prevent inclination and to sense the end of the needle until the shield is in the extended position." The binding is recited as being achieved "by enabling the binding means to incline relative to a longitudinal axis of the needle to lock against the needle." The binding means is also recited as being "disposed in the shield." The binding means is further recited as comprising "a hub retainer means for releasably engaging a catheter hub such that upon activation of the binding means the hub retainer means moves to release the catheter hub from the shield so that the catheter hub and shield can be separated." Sircom et al. does not disclose a binding means which comprises a hub retainer means as recited in claim 43.

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Since Sircom et al. does not teach each and every element recited in claims 43 and 48, these independent claims are novel with respect to Sircom et al. Also, these claims are not obvious in light of the prior art.

CONCLUSION

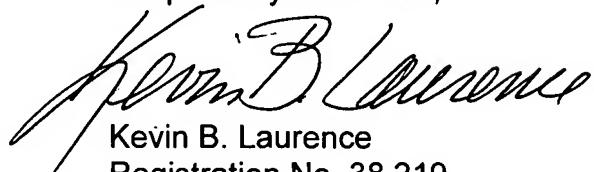
In view of the foregoing amendments and remarks, the Applicants submit that the claims define patentable subject matter and a Notice of Allowance is requested. Should questions exist after consideration of the foregoing, the Office is kindly requested to contact the Applicants' attorney at the telephone number given herein.

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